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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES
 INTERNATIONAL UNION, *et al.*,

Plaintiffs,

v.

SAL ROSSELLI, *et al.*,

Defendants.

CASE NO. 09-CV-0404 WHA (MEJ)

STIPULATION FOR ORDER CHANGING
 TIME RE BRIEFING SCHEDULE FOR
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT; AND ~~PROPOSED~~ ORDER
 THEREON

Civil Local Rules 6-1, 6-2

Date: N/A

Time: N/A

Courtroom: N/A

Hon. William H. Alsup

STIPULATION FOR ORDER CHANGING TIME

Pursuant to Civil Local Rules 6-1 and 6-2, the parties hereby file this stipulation for an Order extending the filing dates for Plaintiffs' Opposition to the Education Fund Defendants' Motion for Partial Summary Judgment and the Education Defendants' Reply thereto. No prior requests to change the briefing schedule on the Motion have been made.

In Docket No. 467, the Court granted leave for the Education Fund Defendants to file their motion by January 28, 2010, and specified that their motion "shall be heard on a normal 35-day track." Docket No. 467 at 1:22. The Education Fund Defendants filed their motion on January 28. *See* Docket No. 471. Under the normal 35-day track, Plaintiffs' Opposition thereto is currently due this Thursday, February 11, and the Education Fund Defendants' Reply thereto is currently due next Thursday, February 18, 2010. Plaintiffs assert that they have been working diligently on their Opposition, but their best efforts to have their Opposition ready to be filed on February 11 have been impeded by the historic and unanticipated blizzard in Washington, DC area, where Plaintiffs' counsel with responsibility for drafting the Opposition reside, as set forth below in the Declaration of Jeffrey B. Demain.

For the foregoing reasons, the undersigned parties stipulate to an extension, providing that the filing and service date of Plaintiffs' Opposition to the Education Fund Defendants' Motion for Partial Summary Judgment be extended from Thursday, February 11, to Monday, February 15, notwithstanding the fact that February 15 is a Court holiday, and that the filing and service date of the Education Fund Defendants' Reply thereto be extended from Thursday, February 18, to Wednesday, February 24, but that the hearing on the Motion remain scheduled for Thursday, March 4. This stipulated request will not affect any of the other dates or deadlines established by the Court in this case.

The Education Fund Defendants' agreement to the foregoing extension for Plaintiffs' Opposition is expressly conditioned on the Court granting them additional time for their Reply, and on the Court retaining the March 4 hearing date.

Plaintiffs therefore respectfully request that, if the Court is not willing to extend the due dates as requested above without extending the hearing date, the Court treat this stipulation as a

1 motion by Plaintiffs for an extension of time to file their Opposition, until Monday, February 15,
2 2010, pursuant to Civil Local Rules 6-1 and 6-3. In such event, the Education Fund Defendants
3 request an equivalent amount of time to file their Reply.

4 The undersigned parties request the Court to order the following changes to the briefing
5 schedule on the Education Fund Defendants' Motion for Partial Summary Judgment:

6 1. The filing and service date of Plaintiffs' Opposition to the Education Fund
7 Defendants' Motion for Partial Summary Judgment be extended from Thursday, February 11, to
8 Monday, February 15, 2010 (on which day the Opposition will be filed and served through the
9 Court's ECF system, notwithstanding the Court holiday);

10 2. The filing and service date of the Education Fund Defendants' Reply on Defendants'
11 Motion for Partial Summary Judgment be extended from Thursday, February 18, to Wednesday,
12 February 24, 2010; and

13 3. The hearing on the Motion shall remain scheduled for Thursday, March 4, 2010.

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1 The foregoing is so stipulated and agreed.

2 Dated: February 8, 2010.

ALTSHULER BERZON LLP
BREDHOFF & KAISER, PLLC
JAMES & HOFFMAN, P.C.
ROTHNER, SEGALL, GREENSTONE &
LEHENY

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5
6 /s/ Jeffrey B. Demain
By: Jeffrey B. Demain

7 Attorneys for Plaintiffs

8
9 Dated: February 8, 2010.

10 McCARTHY, JOHNSON & MILLER
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14
15 /s/ Diane Sidd-Champion
By: Diane Sidd-Champion

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17 Attorneys for Defendants Sal Rosselli, John
Borsos, Laura Kurre, Ralph Cornejo, Will
Clayton, and John Vellardita in their capacities
18 as Trustees or former Trustees of the SEIU
UHW and Joint Employer Education Fund and
19 Mary Ruth Gross in her capacity as Executive
Director of the SEIU UHW and Joint Employer
20 Education Fund

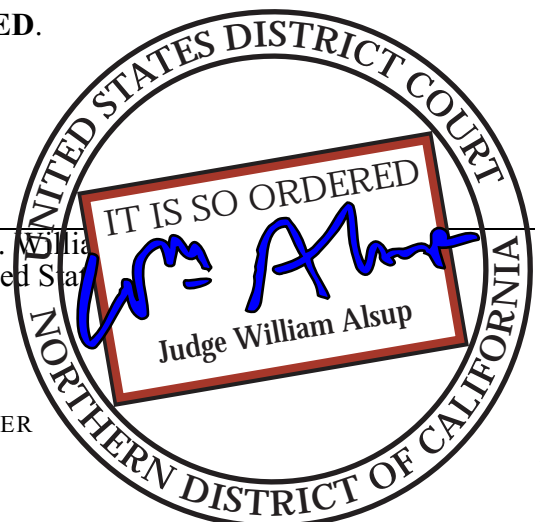
21
22 **~~PROPOSED~~ ORDER**

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 February 9, 2010.

25 Dated: _____

26
27 Hon. William Alsup
United States District Court



ECF CERTIFICATION

I, Jeffrey B. Demain, am the ECF User whose identification and password are being used to file this Stipulation for Order Changing Time re Briefing Schedule for Motion for Partial Summary Judgment; and [Proposed] Order Thereon. In compliance with General Order 45.X.B., I hereby attest that Diane Sidd-Champion has concurred in this filing.

Dated: February 8, 2010

/s/ Jeffrey B. Demain
JEFFREY B. DEMAIN